

Please Support HB 2214A - Repair the Transfer Statue



During the 2013 Session the legislature altered the statute that protects the wages and benefits of employees that are transferred from a public employer to another public employer or a non-profit. The law was edited to remove the provision around non-profits. This was a mistake. The original statute was written in a way that was hard to read and part of the change removed protections for some employees. The testimony around the change was incorrect and furthered the confusion. It was mistakenly said that the law did not cover non-profits however it had since 1978. Now with HB 2214A we would add non-profits back under the protection of the transfer statute. There was no opposition to the bill during committee in the House and Senate.

What the bill would do:

- Those public employees that have their jobs transferred to a non-profit would keep their wages for a year. 236.610 (2)
- The employee can retain their sick leave and up to 80 hours of vacation time. 236.610 (3)-(4)
- They will not have a waiting period before health insurance starts with the new employer 236.610(5)
- If the new employer participates in PERS then the new employer would have to take over the PERS payments. If the employee wishes to continue to participate in their old retirement system they may for up to a year and make payments to that retirement system. The new employer would make similar contribution for up to a year to the old system. 230.610(7) 230.620 (1)(b)
- Probation would not restart. 230.620(1)(a)
- Employees retain seniority. 230.620(c)
- Employees will receive a comparable position 230.630(1)
- Allows Public employers and non-profits to negotiate who covers the cost of the one year wage protection

What the bill would not do:

- Extend PERS to non-profits. In fact PERS can refuse payments from non-profits if it would cause PERS to lose qualifications as a qualified governmental retirement plan. 230.620(2)
- Make non-profits public employers in any other way.
- Excludes transfers between non-profits.

This bill will only affect publically funded employees that are transferred to non-profits and only protect them for 12 months at the most. This is a fairly rare occasion. It will allow employees a chance to transition to a new job without an abrupt drop in wages and benefits. When employees are outsourced to non-profits to lower cost this bill will allow more continuity for employees and clients.

Please Vote Yes on HB 2214A

*From the office of
Sen. Michael Dembrow*